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LESTER J. VINCENT  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
7TH FLOOR  
12400 WILSHIRE BOULEVARD  
LOS ANGELES, CA 90025

EXAMINER

LEE, CHI HO A

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/270,297

Applicant(s)

DEO ET AL.

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 28-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 28-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot et al U.S. Patent Number 6,026,086 in view of Korpela U.S. Patent Number 5,946,634.

Re Claim 1, Lancelot teaches in fig. 3, the secondary station 110 (hardware platform) detecting a request from communication channel 103 (a first network connection) to establish through User Interfaces to the end terminals (See col. 7, lines 23-37) wherein fig 2, Primary station 105 in communication with 110 is coupled to Packet based network 150 and Circuit network 160 networks wherein the Packet based network includes ATM and Frame relay (See col. 4, lines 33-58).

In particular, the Processor arrangement 190 detects a connection request via user interface 215 to establish a connection over the network connection 103, wherein hardware arrangement of fig 3 is the hardware platform; the processor arrangement 190 determines the type of network service whether circuit network 160 or a packet network 150 (See col. 8, lines 5-20)

Lancelot fails to explicitly teach downloading software to the hardware platform according to the determination of the network type service.

Korpela teaches mobile unit (secondary station) operable in multiple alternative protocol stacks and corresponding to multiple communication backbone networks. In particular, Korpela teaches the Access Network 20 transmitting a signal indicating a new types of backbone network and afterworth the mobile unit downloads a new protocol stack from the access network (See abstract and fig. 10).

One skilled in the art would have been motivated by Korpela to modify the Primary station 105 to include downloading new protocol station to the secondary station to be adaptive to different backbone protocols, such as ATM, Internet, Frame Relay, etc.

It is apparent that the packet-base network coupled to the Primary Station can be upgraded to support multimedia ATM connections or any other backbone protocols. In order for the Secondary station to be adaptive, Korpela suggests downloading specific network protocol stations to the plurality of secondary station based on the various network type connectivity available to the Primary station. Hence, based on the new network type signal from the Primary station i.e., ATM, the Secondary station can request for the ATM protocol stack to enable connectivity to the ATM network.

Since, secondary station can download multiple backbone network protocols depending on a number of available protocol upgrades, multiple downloads are facilitated to support multiple connections through the Primary Station (detecting a second request...determining a second type...downloading software to the hardware platform...executed simultaneously) wherein a second upgrade could be ISDN connectivity for a User Interface 215/telephone.

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Therefore, it would have been obvious to one ordinary skilled to incorporate the teaching of Korpela into the teaching of Lancelot to enable the secondary station to support multiple backbone protocol available on the Primary station.

Re Claim 2, in fig 2 of Lancelot teaches, the hardware platform of 110 coupled to the primary station 105, that includes the local switch 15 to direct the traffic transported from 103 (physical line) via Communication controller 145 (a processor).

Re Claim 3, Lancelot teaches 190 associated with memory 195 for accessing set of software.

Re Claims 4, 33, Lancelot teaches 110 coupled to the telephone 170 (voice service).

Re Claims 5, 6, 34, 35, Lancelot teaches the primary station coupled to a packet-based network. Lancelot teach that the cell and frame based packet network (See col. 4, lines 30-36).

Re Claims 28, 29, 30, 37-39, fig.3 teaches plurality of User Interface Cards 215 (downloading a first, second, third software) associated with different network protocols such as, LAN, PC, telephone wherein each network protocols are supported by network connections by the Primary Station via communication channel 103 (a physical line) wherein Primary Station 105 includes Circuit Interface supporting T1 or E1 operating rates (See col. 3, lines 60-65)

Re Claim 31, refer to Claim 29, T1 is framed traffic.

Re Claim 32, fig 1 of Lancelot teaches the primary station 105 coupled to the circuit switch network, PSTN. The physical line coupling the 105 to the PSTN can be any T-carrier for carrying voice or data, T1/E1 (See col.10, line 15-21).

Re Claim 36, refer to Claim 28, wherein the processor arrangement 190 perform the switching function, located on the 110, for routing traffic from plurality user interface 215 over the network interface (a line interface) and for accessing the memory 195.

3. Claims 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot et al U.S. Patent Number 6,026,086 in view of Korpela U.S. Patent Number 5,946,634 as applied to Claim 1 above and further in view of Hulen et al U.S. Patent Number 5,497,373.

Re Claims 40, 42, and 45, Lancelot et al in view of Korpela teaches in fig 3, network interface 210 (first means) coupled to 103 (physical line); the processor arrangement 190 (second means for executing) determines the type of network service whether circuit network 160 or a packet network 150 (See col. 8, lines 5-20); set of programs that are stored in memory 195 (third means) that the processor arrangement accesses to initiate the inter-working functions (See col. 7, lines 51-63).

Lancelot et al in view of Korpela fails to explicitly teach the switch that receives traffic from the interface and routes the traffic to the processor. However, Hulen et al teaches multi-media interface universally and flexibly support plurality of applications. In particular, Hulen et al teaches in fig 2, the line interface module 16 that receives ingress traffic and forwards to Time slot Interchanger (a switch) to selectively route the traffic to specific DSP (processor) (See col. 6, lines 33-54). One skilled in the art would

have been motivated by Hulen to modify the secondary station in Lancelot et al to simultaneously process multiple channels with increased processing speed. Therefore, it would have been obvious to one ordinary skilled incorporate the teaching of Hulen et al into the teaching of Lancelot et al in view of Korpela.

Re Claims 41 and 46, Lancelot teaches 110 coupled to the telephone 170 (voice service).

Re Claims 43, 44, 47, and 48, Lancelot teaches the primary station coupled to a packet-based network. Lancelot teach that the cell and frame based packet network (See col. 4, lines 30-36).

### ***Response to Arguments***

4. Applicant's arguments filed 2/6/03 have been considered but they are not persuasive.

Applicant argues that Korpela only teaches or suggests the downloading of software so that only a single network service type can be used at any given time and is incapable of simultaneously communicating according to a first and second networking service types.


In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, as Korpela teaches the mobile to support a single networking service type, it is the secondary station of Lancelot that has plurality User Interface 215 that supports simultaneous communicating according to first and second networking service types. As Korpela teaches downloading new network protocol from the access network, in combination with Lancelot, the secondary station with plurality of User Interface 215 downloads new protocol stations from Primary station to support downloading of new network protocols to be adaptive to new backbone protocols.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
**ANDY LEE**  
PATENT EXAMINER  
Andy Lee  
April 19, 2003